

**AMENDMENTS TO THE CLAIMS**

This listing of claims will replace all prior versions, and listings, of claims in the application.

**Listing of Claims**

1. (Currently Amended) A method for routing telephone calls over the Internet between an originating gateway and a destination gateway, comprising:

identifying at least one ~~selecting a~~ destination gateway that routes telephone calls to a destination telephone;

selecting an optimal route from a plurality of routes, wherein each route includes an originating gateway that sends data packets to the selected destination gateway gateways, and wherein the originating gateway on the optimal route comprises a source gateway;

making a first call setup attempt by sending data packets containing a first call setup request from the source gateway to a destination gateway;

receiving a message from the destination gateway indicating that the first call setup attempt has failed;

inserting header data into digital data packets containing a second call setup request; and

making a second call setup attempt by sending the digital data packets  
containing the second call setup request to the a destination gateway from an  
alternate originating gateway other than the source gateway, wherein the header  
data inserted into the digital data packets containing the second call setup  
request ensures that a message indicating that the second call setup attempt  
request has failed is sent from the destination gateway to the source gateway,  
even though the digital data packets containing the second call setup request  
were sent to the destination gateway from an alternate originating gateway other  
than the source gateway.

2. Canceled.

3. (Currently Amended) The method of claim 2\_1, wherein ~~if the first~~  
~~call setup attempt fails and a message indicating that the first call setup attempt~~  
~~has failed is sent from the destination gateway to the source gateway, the method~~  
making a second call setup attempt further comprises:

identifying an alternate route including the alternate originating gateway  
~~the~~  
~~next-most optimal route;~~

inserting new header data into the data packets containing the second call setup request, wherein the new header data identifies the alternate ~~a different~~ originating gateway connected with the alternate ~~next-most-optimal~~ route; and  
sending the data packets containing the second call setup request to the alternate originating gateway connected with the ~~next-most-optimal~~ alternate route.

4. (Currently Amended) The method of claim 3, wherein the method making a second call setup attempt further comprises:

stripping off the header data identifying the alternate originating gateway connected with the ~~next-most-optimal~~ alternate route from the data packets containing the second call setup request and wherein the sending step comprises ~~making the second call setup attempt by~~ before sending the data packets containing the second call setup request from the alternate originating gateway connected with the ~~next-most-optimal route to the destination gateway.~~

5. (Currently Amended) The method of claim 4, wherein if the second call setup attempt fails, the method further comprises:

identifying a ~~third-most-optimal~~ an additional alternate route;

inserting new header data into the data packets containing the call setup request, wherein the new header data identifies yet another different originating gateway connected with the ~~third-most-optimal~~ additional alternate route;

sending the data packets containing the call setup request to the originating gateway connected with the ~~third-most-optimal~~ additional alternate route;

stripping off the header data identifying the originating gateway connected with the ~~third-most-optimal~~ additional alternate route from the data packets containing the call setup request; and

making a third call setup attempt by sending the data packets containing the call setup request from the originating gateway connected with the ~~third-most-optimal~~ additional alternate route to the destination gateway, wherein if the third call setup attempt fails, data contained in the data packets containing the third call setup request will ensure that a message indicating that the third call setup attempt has failed will be sent from the destination gateway to the source gateway, even though the third call setup request was sent from the originating gateway connected with the ~~third-most-optimal~~ additional alternate route.

6. (Original) The method of claim 1, wherein the inserting step comprises inserting header data that identifies an originating gateway, and a path

onto the Internet.

7. (Original) The method of claim 6, wherein the inserting step also comprises inserting header data that identifies a destination gateway.

8. (Original) The method of claim 1, wherein the inserting step comprises inserting header data that identifies a source gateway, an interim gateway and a destination gateway.

9. (Currently Amended) The method of claim 8, wherein the header data identifying an interim gateway ~~can be~~ is stripped off the data packets containing the call setup request by the interim gateway such that the information identifying the source gateway and the destination gateway is left intact.

10. (Original) The method of claim 1, wherein the step of selecting an optimal route from a plurality of routes comprises selecting an originating gateway, and a path onto the Internet.

11. (Original) The method of claim 10, wherein selecting a path onto the Internet comprises selecting an Internet Service Provider.

12. (Original) The method of claim 1, wherein the step of selecting a destination gateway comprises selecting an optimal destination gateway and at least one additional destination gateway from among a plurality of candidate destination gateways.

13. (Currently Amended) The method of claim 1, wherein the step of selecting a route comprises selecting an optimal originating gateway an Internet Service Provider, and at least one alternate ~~additional~~ originating gateway and Internet Service Provider.

14. (Currently Amended) A system configured to route telephone calls over the Internet, comprising:

a routing controller that generates routing information that identifies routes for communicating digital data packets bearing telephone calls over the Internet;

a source gateway configured to receive the routing information and to insert header data into data packets containing a call setup request, wherein the header data is configured to ensure that if a call setup attempt sent to a destination gateway from an alternate originating gateway other than the source gateway fails, a message sent back from the destination gateway indicating that the call setup attempt has failed will be sent to the source gateway, even though

the call setup request was sent to the destination gateway from the alternate originating gateway.

15. (Previously Presented) The system of claim 14, wherein the routing controller generates routing information that includes an originating gateway and an Internet Service Provider.

16. (Previously Presented) The system of claim 14, wherein the routing controller generates routing information that includes an optimal route, and at least one additional route, and wherein the optimal route includes the source gateway.

17. (Previously Presented) The system of claim 14, wherein the system further comprises an interim gateway, and wherein the source gateway inserts header data into the data packets containing the call setup request such that the header data identifies the source gateway, and the interim gateway, and wherein the source gateway forwards the data packets to the interim gateway.

18. (Previously Presented) The system of claim 17, wherein the interim gateway receives the data packets forwarded by the source gateway, removes

the header data identifying the interim gateway, and places the data packets onto the Internet.

19-26. Canceled.